UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1990/6/Add.7
15 March 1995

ENGLISH
Original: SPANISH

Substantive session of 1995

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

DOMINICAN REPUBLIC*

[28 November 1994]

CONTENTS

		Paragraphs	Page
GENERAL	. . . . .	1 - 14	3
I.	INFORMATION ON THE GENERAL PROVISIONS OF THE COVENANT	15 - 34	4
	Article 1: Right to self-determination . . .	15 - 18	4

* The initial report submitted by the Government of the Dominican Republic concerning rights covered by articles 1 to 15 (E/1990/5/Add.4) was considered by the Committee on Economic, Social and Cultural Rights at its fifth session (see E/C.12/1990/SR.43-45 and 47).

GE.95-15698 (E)

CONTENTS (continued)

		Paragraphs	Page
Article 2:	Measures to guarantee the exercise of economic, social and cultural rights	19 - 27	5
Article 3:	Equal right of men and women to the enjoyment of economic, social and cultural rights	28 - 31	6
Articles 4 and 5:	Limitations on the enjoyment of the rights laid down in the Covenant	32 - 34	7
II.	INFORMATION CONCERNING SPECIFIC RIGHTS . . .	35 - 98	8
Article 6:	Right to work. Technical and vocational training	35 - 44	8
Article 7:	Right to just and favourable conditions of work	45 - 55	9
Article 8:	Trade union rights	56 - 63	11
Article 9:	Right to social security	64 - 68	13
Article 10:	Protection of the family, mothers and children	69 - 82	14
Article 11:	Right to an adequate standard of living	83 - 87	16
Article 12:	Right to the enjoyment of the highest attainable standard of physical and mental health . . .	88 - 90	17
Articles 13 and 14:	Right to education. Education free of charge	91 - 94	18
Article 15:	Right to take part in cultural life	95 - 98	18

GENERAL

1. Pursuant to articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights and the programme laid down by the Economic and Social Council in resolution 1988 (LX) of 11 May 1976, the following is the second periodic report of the Government of the Dominican Republic.

2. The Dominican Republic, with a surface area of 48,308 sq. km., occupies two thirds of the eastern portion of the island of Santo Domingo, which it has been sharing with Haiti since 1697, when the Spanish colonizer ceded the western portion to France.

3. According to data produced by the population and housing census conducted in 1993, the country's population is 7,099,041 inhabitants, 3,539,786 men and 3,549,255 women. Over 60 per cent of the population is found in the cities, i.e. the main urban centres, with the rest living in rural areas.

4. The ethnic composition of the Dominican Republic might be described as mostly mulatto (approximately 75 per cent), with a small percentage, no more than 15 per cent, of whites and the remainder of the black race. There is no marked differentiation on ethnic grounds among this population, which is nearly completely integrated in all aspects of the nation's social, economic and cultural life.

5. The Dominican population reproduces at a rate of approximately 2.5 per cent per year. The birth rate is approximately 32 per cent per 1,000 inhabitants and the mortality rate is about 70 per cent per 1,000 births. This might explain the fact that the Dominican population is quite young, generally speaking, since approximately 40 per cent are 14 years of age or less and over 15 per cent are between 15 and 59 years of age.

6. The average life expectancy for women is 68 years, while that of men is approximately 64 years.

7. The Dominican Republic is not considered to be an overpopulated country, since it is estimated that its 48,000 sq. km. of territory are occupied at a rate of approximately 150 inhabitants per sq. km.

8. Despite the fact that the ratio of hospital beds to inhabitants is one to 1,000, the Dominican Republic has managed to eliminate from its territory and population most of the endemic and virally transmitted diseases most commonly found in the area and in countries with the same structure as the Dominican Republic. In this connection, the World Health Organization recently granted the country its polio eradication certificate, just as diseases such as cholera, yellow fever and smallpox, in particular, had been eradicated earlier.

9. The explanation for these results is obviously not the ratio of one doctor to 1,500 inhabitants, but the ongoing vaccination programmes which the State implements through the Ministry of Public Health and Social Welfare with

a view to protecting the population, particularly the economically and socially disadvantaged members and those who are the most vulnerable owing to their age and physical make up, i.e. children and women.

10. With regard to education, the illiteracy rate among the adult and school-age population is approximately 17 per cent. Nevertheless, in November 1994, the country had 6,800 public schools, attended by a student population of 1.5 million pupils. An additional 1 million students attend private schools. Some 23 institutions of higher learning operate throughout the national territory and there are many vocational and other trade schools.

11. The gross domestic product of the Dominican Republic is provided mainly by services, industry, agriculture, commerce and mining. The Dominican economy was formerly based on sugar-cane production for export; this item has disappeared as a principal source of income and has recently been replaced by the boom in the tourism sector in the country.

12. The trade balance of the Dominican Republic is quite unequal, in that exports represent approximately $800 million per year, while imports represent over $2 billion per year. This imbalance is the reason for the external indebtedness that has to be met by Governments of States like the Dominican Republic, whose external debt exceeds $4 billion, which obviously has a negative impact on the quality of life of the country's population. Average annual per capita income is thus estimated to be approximately $800, taking account of the fact that unemployment and/or underemployment are estimated to affect over 30 per cent of the economically active population.

13. Despite the situation described above, the Dominican Republic, which is a democratic and republican State, with a president as head of Government, has had political stability equalled by few countries in the region for over 20 years, during which a very wide range of policies for the protection and enforcement of human rights has been implemented. During this period in the democratic life of the country, the principal human rights conventions and covenants have not only been signed by the Dominican Government, but have also been incorporated into domestic legislation through ratification by the National Congress.

14. This has been followed by a process, still under way, of amending the old domestic legal structures in order to bring them into line with the principles and spirit of the above-mentioned covenants and conventions, and this in itself involves changes in practices prevalent under the legal system in force at that time.

I. INFORMATION ON THE GENERAL PROVISIONS OF THE COVENANT

Article 1: Right of self-determination

15. This right is enshrined in the Constitution of the Dominican Republic and is one of the cardinal principles of its existence as a sovereign State. The principle of sovereignty is embodied in the Dominican Constitution, article 2 of which states that national sovereignty is vested in the people, from whom emanate all the powers of the State, which are exercised through representation.

16. Article 3 of the Constitution stipulates that the sovereignty of the Dominican nation as a free and independent State is inviolable, enunciating a principle inherent in the condition of any free State. The Constitution reaffirms that the Dominican Republic is and always will be free and independent of any foreign Power and that, consequently, none of the public powers organized by the Constitution itself may perform or permit the performance of acts which constitute direct or indirect intervention in the internal or external affairs of the Dominican Republic or interference directed against the personality and integrity of the State and the functions recognized and affirmed in the Constitution of the Dominican State. According to the Constitution, the principle of non-intervention constitutes an invariable rule of Dominican international policy.

17. The Dominican Republic recognizes and applies the rules of general and American international law to the extent that they have been adopted by its public powers; it declares itself in favour of the economic solidarity of the countries of America and indicates its willingness to support any initiative conducive to the protection of their commodities and raw materials.

18. Inasmuch as article 1 of the International Covenant on Economic, Social and Cultural Rights is identical to article 1 of the International Covenant on Civil and Political Rights, and inasmuch as the Dominican Republic has submitted several periodic reports on the latter Covenant, we refer to our discussion of the exercise of self-determination in our latest report under that Covenant (see CCPR/C/70/Add.3).

Article 2: Measures to guarantee the exercise of economic, social and cultural rights

19. The Dominican State, which is aware of the fact that the exercise of human rights in general and economic, social and cultural rights in particular must be free of any type of discrimination, guarantees the freedom of action of all citizens, nationals or foreigners, to ensure the achievement, in the broadest sense of the term, of the rights provided for in the Covenant.

20. The Dominican Constitution makes the full protection of the rights of its citizens and the maintenance of the means for their progressive development within a system of individual liberty and social justice compatible with public policy, the general well-being and the rights of all the principal aim of the State.

21. In an effort to achieve such rights, article 8 of the Constitution categorically lays down labour freedoms with all their attendant rights; trade union rights; guarantees of security for the family and individuals; stability and welfare in all aspects of moral, religious and cultural life; protection of motherhood, etc.

22. Freedom to teach and the right to basic education are also covered in the Constitution, as are incentives for the gradual development of social security.

23. With regard to procedural law, the Dominican Civil Code stipulates that aliens in the Dominican Republic enjoy the same civil rights as those granted

to Dominicans under treaties with the nation to which the aliens belong. As far as economic, social and cultural rights are concerned, there is no distinction whatever, either in legislation or in practice, establishing discrimination between a Dominican and an alien. This is indicated in the provisions of article 13 of the Civil Code, under which aliens whom the Government has allowed to settle in the Republic enjoy the full range of civil rights while they reside in the country.

24. Discrimination is also prohibited between Dominicans in the enjoyment or exercise of fundamental human rights, since article 100 of the Constitution states that the Republic condemns any privilege or situation liable to impair the equality of all Dominicans and the only differences between them are those deriving from their talents or virtues. The same text prohibits any entity in the Dominican Republic from granting titles of nobility or hereditary distinctions; in other words, Dominican legislation, from the Constitution of the State downwards, is fully in keeping with the provisions of article 2 of the International Covenant on Economic, Social and Cultural Rights.

25. Practically speaking, the Government makes a larger investment every day by providing the country with more classrooms, with a view to reducing the illiteracy rate and thereby guaranteeing the right to education, and with more hospitals and rural clinics to provide indispensable medical care; by creating new job opportunities that will reduce the level of unemployment and underemployment and guarantee access to means of subsistence for the largest number of people.

26. Similarly, the annual construction programme of thousands of dwellings, basically intended for people in the lowest income group, is another aspect of the Dominican State's policy for achieving the rights laid down in the Covenant as fully as possible by providing an increasingly large number of people with decent housing and significantly reducing the slums that are a feature of the major urban centres in developing countries. All these efforts are carried out in close cooperation with the international community (States and organizations) in order to design programmes that are most in keeping with the needs of Dominican society.

27. We know that much remains to be done to guarantee the full enjoyment of the rights provided for in the Covenant, within the limits available to our country, which are to a large extent the result of the enormous imbalance in our trade figures, as indicated in the general section of this report (para. 12).

Article 3: Equal right of men and women to the enjoyment of economic, social and cultural rights

28. As regards the contents of this article, the legislation, Constitution and practice of the Dominican Republic do not condone any discrimination in the exercise or enjoyment of social, economic or cultural rights on the grounds of sex. Article 100 of our Constitution clearly prohibits any type of discrimination in respect of fundamental human rights.

29. Statistics from the most recent population and housing census conducted in the country in 1993 show that there are more women than men in the country.

This variable is maintained in other respects, such as the professional sphere, where more women than men go on to higher studies. The percentage of women in businesses of all kinds has increased considerably owing to the high qualifications of women candidates for such jobs and for posts of responsibility in both the public and private sectors. In this connection, it should be pointed out that a large number of women hold Government posts as heads of ministries or as directors of important departments in the public administration.

30. It should also be pointed out that, in 1940, the Dominican Republic adopted legislation recognizing the full capacity of married women to exercise all their rights; this legislation has been ratified and confirmed in the daily life of the country. In 1940, the National Congress adopted Act No. 390, which embodies in procedural law what has always been an inherent prerogative of the human person: equality of rights between men and women, without distinction of any kind. This procedural provision is strengthened by the Dominican Constitution, article 8, paragraph 15 (c), of which stipulates that married women enjoy full civil capacity.

31. In short, there is neither de facto nor de jure discrimination between men and women in the Dominican Republic with regard to the enjoyment and exercise of the rights recognized by the International Covenant on Economic, Social and Cultural Rights.

Articles 4 and 5: Limitations on the enjoyment of the rights laid down in the Covenant

32. Because of the intrinsic nature of the economic, social and cultural rights of the human person, it is difficult to conceive of any type of restrictions on them either in legislation or in practice. The intrinsic nature of these rights has been fully understood by the Dominican State, which has not established any limitations on their enjoyment either in its constitutional principles or in positive law.

33. In so far as legal and constitutional restrictions on any of the rights laid down in the Covenant are concerned, it would be more accurate to speak of delimitations, such as the one established in article 8, paragraph 11, of the Constitution, which links the exercise of trade union rights and freedom of association to the requirement that trade unions, trade associations and similar associations should maintain in their statutes and their activities a democratic organization compatible with the principles laid down in the Constitution and that their purposes should be strictly related to labour matters and peaceful. As may be seen, this type of limitation is fully compatible with the spirit and letter of the Covenant and does not represent any derogation from it.

34. In our reports under the International Covenant on Civil and Political Rights, we stated that the Dominican Constitution restricts the right of workers to strike when it would result in a breakdown or interruption of public services or utilities. For any information that may be needed on the right to strike, reference may be made to the discussion in the last report (see E/1990/5/Add,4, paras. 38-40).

II. INFORMATION CONCERNING SPECIFIC RIGHTS

Article 6: Right to work. Technical and vocational training

35. The Dominican Republic, which is aware of the fact that access to employment opportunities is one of the main guarantees that a human being will be able to enjoy most social, cultural and economic rights, has provided in both substantive and procedural law for mechanisms guaranteeing not only free access to a job, but also the right to remain in it, to change jobs and to enjoy suitable conditions for performing the work involved. As stated earlier, the right to work is provided for in the Constitution of the Dominican Republic.

36. In procedural law, the Labour Code, which was updated in May 1992, states that work is a social function exercised under the protection of and with the assistance of the State, which must ensure that the rules of labour legislation are made subject to its basic objectives, which are human welfare and social justice. In the following category, principle II repeats the constitutional principle of the freedom of everyone to practise any profession or trade, industry or business permitted by law. The same principle provides for free and voluntary work when it states that no one may prevent others from working or oblige them to work against their will.

37. It should be noted that the provisions relating to the right to work and regulations governing it are equally valid for nationals and aliens, subject to the limitations contained in international agreements of which the Dominican Republic is a signatory. In 1964, the country ratified ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation.

38. Principle X of the Labour Code also explicitly prohibits discrimination between men and women, stating that female workers have the same rights and obligations as male workers.

39. Among the basic rights that the law recognizes for every worker, with no limitations whatever, are trade union freedoms, a fair wage, vocational training and respect for physical integrity, privacy and personal dignity.

40. With a view to guaranteeing greater availability of jobs for the working population, the Dominican State has been implementing a broad liberalization programme aimed at establishing industrial free zones throughout nearly the entire national territory so that the concentration of industries in the main cities and urban areas in the country does not lead to discrimination against people in rural areas who would like to do a different type of work than at present.

41. It should be made clear that obtaining a job in the Dominican Republic does not depend on race, sex, age (with the exception of limitations on child labour), religion or political affiliation and that there are no other forms or manifestations of discrimination. Dominican legislation accepts no differences other than those deriving from the talents and virtues of each person.

42. In addition, an ongoing concern of the Dominican State is to implement programmes for providing workers with technical-vocational training, thus guaranteeing them better economic, social and cultural level opportunities. To that end, in 1980, Act No. 116 was adopted, establishing the Technical and Vocational Training Institute (INFOTEP), which is responsible for regulating and implementing a wide range of basic and advanced training programmes for the country's labour force. This is aimed not only at raising the social and cultural level of workers, but also at making the labour force more technically proficient, thereby resulting in a corresponding rise in the productivity level.

43. In addition to this Act, regulation No. 1480 on the Unemployment Registry Office and the Employment Service has been in force since 1956. It states that one of the most important functions of these offices is to cooperate with bodies providing apprenticeship schemes and vocational guidance programmes with a view to facilitating access by workers to areas of employment which require a better qualified labour force and which offer opportunities for using their knowledge and for their own and their family's welfare.

44. Article 4 of the above-mentioned Act No. 116 of 1980 establishes that one of INFOTEP's basic objectives is to provide young people and adults with training for useful work, i.e. that INFOTEP's basic goal is to prepare a qualified labour force proportional to the country's needs and requirements in terms of quantity, both in the immediate future and in anticipating the country's future development. In order to achieve this objective, INFOTEP, in which employers, workers and the State participate, organizes ongoing basic training and advanced training programmes for urban and rural workers and for the employed and the unemployed.

Article 7: Right to just and favourable conditions of work

45. It should be repeated that, in addition to the prohibition against all forms of discrimination contained in its Constitution, the Dominican Republic is a signatory of the International Labour Organization Conventions on the subject covered in article 7 of the International Covenant on Economic, Social and Cultural Rights and that, having been ratified by our National Congress, the Conventions have become part of our domestic legislation.

46. What is more, the Dominican Labour Code, as recently amended, has been brought into line as far as possible with the contents and spirit of the above-mentioned international instruments. Principle VII of the Labour Code prohibits any discrimination, exclusion or preference based on grounds of sex, age, race, colour, nationality, social origin, political opinion, trade union activism or religious belief, with the exceptions laid down in the Code itself for the purpose of protecting the worker. Naturally, distinctions, exclusions or preferences based on qualifications required for holding a particular job do not fall within the purview of that prohibition.

47. Both the above-mentioned principle and article 194 of the Code stipulate equal pay for equal work under identical conditions of skill, efficiency or seniority, regardless of who may be performing it. The text clearly states that there is no discrimination between remuneration received by a man and remuneration received by a woman for identical work.

48. The right to fair compensation is protected by the setting of minimum wages for particular areas of activity, whether agricultural, industrial or commercial. Responsibility in this area lies with the National Wages Committee, a branch of the Ministry of Labour, which is composed, in addition to the State, of workers and employers, each represented by two special members of the tripartite body.

49. With regard to the protection of working women, the Labour Code provides for equality of rights and duties between women and men, with no exceptions other than those intended to protect motherhood. During pregnancy and after childbirth, working women enjoy job stability for up to three months after the delivery, in cases of termination "without cause" of the labour contract, and for up to six months after the delivery, in cases where the employer tries to put an end to the labour contract on the grounds of fault by the worker. In the latter case, the employer must have an explicit authorization from the Department of Labour or the local labour authority. Another form of protection of motherhood is the fact that it is prohibited by law for a woman worker to be assigned work during pregnancy requiring a physical effort that is incompatible with her condition.

50. With regard to protection against risks involved in work, there are standards establishing minimum safe and healthy working conditions for workers and protecting workers against labour accidents. The former are covered by regulation No. 807 of 30 December 1966 establishing minimum standards to be put into effect by employers in order to ensure that work places maintain healthy conditions and guarantee the safety of their staff in performing its work. With regard to the latter, Act No. 385 relating to Labour Accidents was adopted in 1932 and revised and amended in 1978. The Act applies to all employees and workers who are injured, disabled or lose their lives as a result of accidents caused by the performance of any acts connected with their work, provided that such accidents occur during the work itself.

51. For the purposes of Dominican legislation, a "labour accident" is any bodily injury suffered by a worker or employee on the occasion or as a result of the work he is performing for a third party. Any employer who employs more than three employees, excluding the members of his own family, in his business or establishment is under an obligation to provide the necessary insurance policy against labour accidents.

52. For agricultural work and/or enterprises, employers are, for the purposes of the legislation on labour accidents, considered to be those having five or more persons, excluding their relatives, under their orders.

53. Hygiene and safety standards are obligatory and are binding on industries, shops, supermarkets, clothing stores and hotels, among other branches of trade. Safety measures apply not only to physical installations, but also to any machinery used in enterprises and industries subject to the industrial health and safety regulations.

54. Dominican legislation also provides that matters relating to rest periods, length of work day and holidays are in practice obligatory. The legal working day in the Dominican Republic is a maximum of 8 hours and 44 hours is the maximum working week. Workers are entitled to a rest period

of not less than 1 hour after working 4 hours in a row and not less than 1.5 hours after working 5 hours in a row. In all cases, workers receive special pay for hours of work performed beyond the work day and work week and for work performed on official holidays.

55. On completion of the work week, workers are entitled to an uninterrupted rest period of 36 hours, from whichever day of the week this period begins, in accordance with the contract of employment and by agreement between the parties. After one year of work, workers acquire the right to two weeks' paid holidays which right they may not waive. Although workers are entitled to divide up their holiday period, in no case may they be given a holiday or rest period of less than one week per year.

Article 8: Trade union rights

56. Trade union rights in the Dominican Republic have been described in the part of this report on the provisions of article 8, paragraph 11, of the Constitution (see para. 33). However, this is not the only protection of trade union freedom that exists in the Dominican Republic. In addition to this substantive provision, there are other provisions of the Labour Code whose purpose is to organize and regulate all aspects of trade union activity by workers and by employers in the Dominican Republic. Book V of the Labour Code, which contains articles 317 to 394, regulates the right to exercise trade union freedom. In addition, the Dominican Republic is a signatory of International Labour Organization (ILO) Conventions No. 87 and No. 98, which have become part of domestic legislation through amendments made by the National Congress. Protection of the right to trade union freedom is such that article 318 of the Labour Code prohibits the authorities from taking any form of action designed to restrict or hamper the exercise of this right.

57. Dominican legislation classifies trade unions as workers' unions and employers' unions. Workers' unions may be set up by enterprise, occupation or branch of activity. In defining each of these subcategories, the Labour Code stipulates that membership of an enterprise trade union depends not on the type of activities performed by the worker, but on the fact that he provides services to that enterprise. Occupational trade unions are composed of persons who exercise the same occupation or trade or related occupations or trades, regardless of the enterprise to which they provide their services. Trade unions by branch of activity are defined as those made up of workers who provide services to several employers in the same branch of industrial, commercial or service activity, even though they exercise different occupations or trades. Trade unions, whether of workers or employers, may form municipal, provincial, regional or national federations, which may in turn establish confederations, the only requirement being a vote in favour by two thirds of their members meeting in an assembly for that purpose.

58. As already stated, the restriction imposed by Dominican legislation on the formation of trade unions is full compliance with the relevant legal and constitutional formalities and provisions. Moreover, if a group of at least 20 workers, in the case of workers' unions, or of at least 3 employers meet in an assembly to establish a trade union and complete the procedural and administrative formalities, the trade union is duly constituted and registered with the competent authorities. Through their representative bodies, the

parties concerned submit to the labour authority (the Secretary of State for Labour) the minutes of the general assembly setting up the trade union, containing, inter alia, the statutes as adopted and the names of the members of the first board of directors and the first officers.

59. An application to register a trade union (regardless of its type or membership) must be accompanied by two originals or authenticated copies of the following documents: the statutes of the trade union and the minutes of the general assembly showing that the participants have democratically decided to establish the trade union, adopt its statutes and freely elect their representatives; and the list of the names of the founding members; and the notice convening the enterprise's workers to the constituent assembly. The trade union's registration may be denied only if the statutes do not contain some of the basic provisions for its proper functioning or if some of the provisions are contrary to the law. Registration can also be refused if some of the provisions of the Labour Code or of the trade union's own statutes relating to its establishment are not complied with. In any event, the interested parties may make the necessary changes and resubmit their application for registration.

60. As a further guarantee of trade union freedom, the Labour Code provides for trade union privileges, which are enjoyed by and benefit all workers belonging to a trade union that is being formed, up to a figure of 20, which is, as already stated, the minimum number of workers required for the establishment of a trade union. Trade union privileges also extend to the workers on the board of directors of a trade union, who may number up to 5 if the enterprise employs no more than 200 workers; up to 8 if the enterprise employs between 200 and 400 workers; and up to 10 if the enterprise employs over 400 workers. Up to three workers' representatives negotiating a collective agreement are also protected by trade union privileges, as are the alternates of all the workers referred to above.

61. In another connection and although reference has already been made to the right to strike in another part of this report, it should be clearly stated that the right of workers and employers to strike in order to defend the respective common interests of each sector is recognized. Apart from the constitutional principle, which has already been referred to, articles 401 to 447 of the Labour Code govern matters relating to the right of workers to strike and the right of employers to organize lock-outs. Although they are not expressly prohibited, strikes organized by members of the armed forces or the national police are not referred to.

62. Article 403 of the Labour Code, which reflects the spirit of article 8, paragraph 11 (d), of the Constitution, limits the right to strike of persons working in essential services, the interruption of which might jeopardize the life, health or personal safety of all or part of the population. For the purposes of the law, essential services are the following: communications, water supply, the supply of gas and electric power for lighting and domestic use, the supply of pharmaceuticals for hospitals and any other similar services. Despite these restrictions, however, strikes by medical and paramedical personnel in State hospitals in support of economic, social or purely trade union grievances are quite frequent.

63. To sum up, the rights to join a trade union, to strike and to organize a lock-out are provided for in the Constitution of the Dominican Republic and governed by procedural provisions which are updated on the basis of the ILO Conventions signed and ratified by the Dominican Republic.

Article 9: Right to social security

64. The principles relating to social security are also embodied in the Constitution of the Dominican Republic, article 8, paragraph 17, of which reads:

> "The State shall encourage the progressive development of social security so that every person shall be able to enjoy adequate protection against unemployment, sickness, disability and old age.
>
> The State shall provide protection and assistance for old people, in the manner determined by law, so as to safeguard their health and ensure their well-being.
>
> The State shall also provide social assistance for the needy. Such assistance shall consist of food, clothing and, so far as possible, adequate housing".

65. The same article also stipulates that: "The State shall promote the improvement of nutrition, health services and hygienic conditions; it shall seek means of preventing and treating epidemic, endemic and all other diseases and shall provide free medical and hospital care for those who require it owing to their meagre economic resources".

66. In practical terms, these principles are implemented by the Compulsory Social Security Act, which dates from 1948, but has repeatedly been amended, most recently in 1988. Without distinction as to sex, nationality, type of occupation or distinction of any other kind, compulsory social security covers workers, regardless of their wages, employees, home workers, itinerant or seasonal workers, domestic employees, including those working in private homes, apprentices, even if they are unsalaried, and persons who are paid only in kind. Social security covers both workers and their families and the amount of a worker's wages does not affect his right to social security. General social security benefits include obstetric care for the spouse of an insured worker and paediatric care for newborn children up to the age of 12 months.

67. In the event of illness, insured persons are entitled to general, specialized and surgical medical care, as well as hospital and pharmaceutical care. They also receive a cash allowance equal to not less than 50 per cent of their average salary or wages. This allowance lasts for a maximum of 26 weeks as from the date of the first payment. The same allowance is granted to a working woman who gets pregnant and who is entitled to an allowance before and after birth, as well as to a nursing allowance during the 12 months following the birth; the allowance is either a cash allowance of 15 per cent of the average wages or an allowance in kind in the form of milk or dairy

products. Social security also provides for a disability pension to enable people to engage in productive work or an old-age pension when the insured person reaches the age of 60.

68. When an insured person dies, his next of kin receive the equivalent of 60 per cent of his most recent average annual wages. This amount is known as the deceased person's capital benefit. These legislative provisions are contained in the above-mentioned Act No. 385, which introduces special benefits for injuries suffered by workers as a result of an industrial accident. This insurance is funded by contributions by workers, the State and employers.

Article 10: Protection of the family, mothers and children

69. In the Dominican Republic, protection of the family, mothers and children is enshrined in the Constitution, as is apparent from the provisions of article 8, paragraph 15. According to this article, motherhood, regardless of the condition or status of the mother, is entitled to protection from the authorities and to official assistance in case of need. Specific measures for the protection of motherhood, where working women are concerned, are governed by the Labour Code and by the Social Security Act, to which reference has already been made in earlier paragraphs of this report.

70. In addition to pre-natal and post-natal leave, already referred to, it should be noted that working women are entitled to their annual holidays after their post-natal leave. While they are nursing their child, they are entitled to three breaks of at least 20 minutes each at their workplace during the working day to feed their child. During the first year after the child's birth, a working mother may take half a day per month, at her convenience, to take her child to visit the paediatrician. If, after the birth (and during pregnancy), it is certified by a medical certificate that the work being performed by the mother is harmful to her health or to that of her child, the employer is required to help her change job.

71. With regard to the protection of children and adolescents, the Dominican Republic has taken the appropriate measures in conformity with the Convention on the Rights of the Child, which it ratified in June 1991. Articles 244 to 254 of the Labour Code regulate and protect the working conditions of minors and the minimum age at which they may work. It should be recalled that the Dominican Republic is also a signatory to ILO Conventions No. 5 on the minimum age for industrial employment; No. 7 on the minimum age for employment at sea; No. 10 on the minimum age for employment in agriculture; No. 77 on medical examination for fitness for employment of children; and Nos. 79 and 90 on night work by children.

72. Dominican legislation prohibits minors under 14 from working, but, in cases where minors meet the minimum age requirement, they enjoy the same rights and have the same duties as adults as far as the labour laws are concerned, without any exceptions other than those provided for in the Labour Code.

73. Night work by children aged under 16 is also prohibited. No child under this age may begin his working day after 8 p.m. or finish it before 6 a.m. There is nevertheless one exception to this prohibition: minors who work in family undertakings employing only the parents and their children or wards.

74. The law limits the working day for children to six hours at most. No minor may be employed in dangerous or unhealthy work, as defined by the Office of the Secretary of State for Labour; nor may minors be employed in the sale of alcoholic beverages or as messengers or delivery men.

75. Whenever an employer uses the services of a minor, he is required to provide him with suitable facilities that are compatible with his needs so that he may complete the school curricula and attend vocational training school.

76. Act No. 14-94, which establishes the Minors' Code of the Dominican Republic for the purpose of protecting boys, girls and adolescents, is a further step forward in guaranteeing the rights of this important population group. The Minors' Code sets up machinery and bodies designed to protect the right of minors to physical and moral integrity, their right to education, culture, health and food in the broadest sense of the term, their right to freedom and respect for their dignity and their right to live with their family.

77. When the overall principles that served as the basis for the adoption of the Minors' Code were set down, it was stated that the purpose of the Code was to establish institutional foundations and procedures to afford comprehensive protection for boys, girls and adolescents. The articles of the Code incorporate the principles which are embodied in the Convention on the Rights of the Child and designed to protect the physical and mental health and spiritual, cultural and social development of boys, girls and adolescents, while respecting their dignity.

78. It should be made clear that, in Dominican legislation, a person is classified as a child from birth to the age of 12 and as an adolescent from the age of 13 until the age of majority, i.e. 18. In accordance with the Code, the family, the community, society at large and the State have the overriding responsibility effectively to guarantee persons aged under 18 protection of the right to life, health, food, education, sport, leisure, vocational training, culture and respect for their dignity and freedom and the right to live within their family and their community, in a suitable environment without persons whose conduct and way of life may be prejudicial to their development.

79. The Minors' Code establishes equal rights and status for all boys and girls, whether they are born in or out of wedlock or adopted. This equality applies to the order of inheritance. The use of any discriminatory term to refer to a child's filiation is thus prohibited.

80. With regard to the protection of disabled minors, i.e. minors who, on account of a temporary or permanent physical, sensorial or mental disability, are incapable on their own of performing their daily activities and participating in society, the Minors' Code provides that the care of such

disabled children and adolescents is primarily the responsibility of the family and additionally and complementarily that of the State. Disabled minors are thus entitled to special education, to suitable vocational training and to such measures of rehabilitation as may be necessary. In order to ensure that these requirements are met, the Code has established the Department for the Protection of Disabled Minors as a subsidiary body of the agency in charge of the protection of boys, girls and adolescents.

81. In another connection, attention is drawn to the protection provided for minors who have been abandoned or whose parents have died. Measures are taken on behalf of children in these circumstances by placing them in a foster family or by arranging for their guardianship or adoption.

82. To round off the analysis of this article of the Covenant, we shall describe the provisions relating to freedom to enter into marriage in the Dominican Republic. First of all, any adult, i.e. a person aged over 18, may freely choose the person with whom he or she wishes to enter into marriage, subject to no other requirement than those of the Civil Code, the Civil Registry Act and any other relevant legislation. A minor may enter into a legally valid marriage with the prior written or oral consent (at the time of the ceremony) of his parents or, in their absence, of his grandparents. However, unless there are valid reasons, a man aged under 16 or a woman aged under 15 may not enter into marriage. In each of the situations described above, both men and women are entirely free to choose the person with whom they wish to enter into marriage, as well as the time, place and financial conditions governing their union; they are also free to form a common-law marriage, which ipso facto entails freedom not to enter into marriage.

Article 11: Right to an adequate standard of living

83. The commitment by States parties to the International Covenant on Economic, Social and Cultural Rights to recognize and guarantee the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, is safeguarded by the Constitution of the Dominican Republic. The Government of the Dominican Republic believes that the establishment of every Dominican home on land belonging to or legally used by the occupant is of great social importance; it therefore encourages the development of public credit on advantageous terms with a view to enabling all Dominicans to possess a comfortable and healthy home.

84. To this end, the Government has been implementing broad housing construction programmes, most of which are intended for low-income groups in towns and rural areas. These programmes have made it necessary temporarily to relocate people living in places chosen for the construction of modern new homes. Although the reluctance of some persons to be temporarily relocated in other parts of their town or place of residence had to be overcome in the past, proof that, once the housing projects had been completed, the dwellings would be assigned to them has recently simplified matters both for the authorities and for the beneficiaries of such projects.

85. For example, 668 of the 774 persons who were moved out of Maquiteria district in the capital city when the Columbus lighthouse was built have already been rehoused in modern, hygienic dwellings. During what is known as the first phase in the same district, the 195 persons who were moved have been relocated; during the second phase, 288 of the 343 persons moved have already been relocated in the housing projects built for them. In all cases, the Government ensures more than mere relocation, since beneficiaries are provided with a more decent, more hygienic dwelling that is fit for human habitation and will help remedy the country's housing shortage, which has been considerably reduced in recent years.

86. Between 1986 and 1993, the Government used its own resources to build a total of 19,219 dwellings, distributed as follows: National District, which has over 2.5 million inhabitants, 6,959 dwellings; South, the poorest area in the country, 5,220 dwellings; East, 782 dwellings; and North, 6,258 dwellings. These programmes are in keeping with the provisions of the Constitution which require the State to provide social assistance for the needy; such assistance may take the form of food, clothing and, so far as possible, suitable housing. The same provision of the Constitution makes it the obligation of the State to improve nutrition, health services and hygienic conditions for the entire population.

87. With a view to improving levels of output and productivity, the Dominican Republic has, with international cooperation, been implementing policies designed to ensure supplies of the foodstuffs most in demand by the population, while improving their quality. In the case of items of which there is a shortage or which are not produced in the Dominican Republic, imports have made up for the shortage, thereby ensuring that the needs of all citizens are met.

Article 12: Right to the enjoyment of the highest attainable standard of physical and mental health

88. In order to ensure the development of a healthy population with adequate living standards and a trend towards increased life expectancy, the Dominican Republic has been implementing ongoing programmes for the prevention of endemic, epidemic and other diseases which focus on the protection of the most vulnerable sectors of the population, such as children and women and low-income groups. It has thus been possible to reduce to practically the lowest levels ever, in some cases and to eliminate, in other cases, diseases such as smallpox, chickenpox, measles, tetanus and poliomyelitis.

89. Recently, the World Health Organization certified that poliomyelitis, whose main target is children, had been eradicated from the Dominican Republic. This is the result of the vaccination campaigns periodically carried out all over the country. By comparison with countries whose social and economic conditions are similar to those of the Dominican Republic, these measures as a whole have made it possible to bring down the infant mortality rate, which was 18.9 per thousand last year, i.e. 4,376 infant deaths during the period covered.

90. In conjunction with the preventive medicine programmes implemented by the relevant official agencies, there is an ongoing plan for the construction of new hospitals and rural clinics throughout the national territory to provide all inhabitants with medical assistance and appropriate services in the event of illness. Industrial hygiene and safety measures, which have been described elsewhere in this report, have managed to ensure that there are few cases of illness among workers and professionals by reducing the risks they run whenever they work under poor conditions of safety and hygiene.

Articles 13 and 14: Right to education. Primary education free of charge

91. The right to education and freedom of instruction are fundamental principles of the Dominican State structure. Primary education is thus free and compulsory for all school-age children, i.e. as from the age of seven. Secondary education is also free of charge, as is the education provided in agricultural, vocational training, art, trade, crafts and domestic science schools, throughout the Dominican Republic. The State university also provides many different social and economic sectors of the population with the possibility of following a university course thanks to the subsidies the State provides for this purpose, thus, to some extent, fulfilling its obligation to guarantee the right of everyone to enjoy the benefits of scientific progress and its application.

92. As already stated in the first part of this report, over 1.5 million children attend the country's 6,800 public schools. In the period 1986-1993, 198 schools were built and/or repaired in the National District, 222 in the South-East areas and 279 in the North.

93. In addition to the students enrolled in public schools, about 1 million more attend private schools. Apart from the State university, there are 22 other universities and/or higher educational establishments in the Dominican Republic which are attended by students from all levels and strata of society and, consequently, many receive official assistance, thereby making the cost of higher education affordable by all population sectors. There are also many vocational training and technical establishments, whose services are provided free of charge by the State.

94. In any case, parents are entirely free to choose the type of education they wish for their children and the most suitable teaching establishment for them.

Article 15: Right to take part in cultural life

95. The Government of the Dominican Republic considers it to be its inherent duty to encourage the broadest possible dissemination of science and culture and to ensure that everyone enjoys the benefits of scientific and moral progress and their applications. To this end, a new law has recently been promulgated to protect intellectual property rights so that authors may enjoy the moral and material benefits of the product of their intellect, their scientific activity and their literary or artistic creativity.

96. In conformity with the provisions of the Covenant and as part of the principles on which the Dominican Republic is based, there is no limit or de facto legal restriction on freedom to undertake scientific research and creative activity. The State understands the importance and benefits deriving from international exchanges and cooperation in this and every other area and has signed many international and regional agreements to protect and disseminate science and culture.

97. For example, the Dominican Republic is a signatory to the following Conventions: the Convention on the Exchange of Official, Scientific, Literary and Industrial Publications; the Inter-American Convention on the Rights of the Author in Literary, Scientific and Artistic Works; the Convention on Facilities for Artistic Exhibitions; and the Convention for the Protection of Cultural Property in the Event of Armed Conflict. Any duly constituted natural or legal persons are thus entitled not only to have access to the various forms and expressions of culture and science, but also to disseminate any knowledge, information, opinions and experiments they consider worthwhile, without any restriction or legal limitation by the State.

98. Lastly, as a corollary to the beliefs and practice of the Government of the Dominican Republic with regard to the right to free access to the sources of culture and its manifestations, without distinction as to sex, race, nationality or origin, we recall that the Dominican Republic is a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women; both instruments contain provisions similar to those of article 15 of the Covenant; thus, neither in this nor in any other context is there any form of discrimination in the Dominican Republic.